

REMARKS

In the Office Action, claims 1, 2, 7, 14, 17, 19 and 20 are rejected under 35 U.S.C. § 102; and claims 1, 2, 7, 8 and 14-20 are rejected under 35 U.S.C. § 103. Claims 1, 7, 14, 17 and 19 have been amended. Applicants believe that the rejections have been overcome or are improper in view of the amendments and for the reasons set forth below.

In the Office Action, claims 1, 2, 7, 14, 17, 19 and 20 are rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 4,946,448 (“*Richmond*”). The Patent Office essentially asserts that *Richmond* discloses each and every feature of the claimed invention. Applicants believe that this rejection has been overcome.

With respect to the pending claims at issue, claims 1, 7, 14, 17 and 19 are the sole independent claims. As previously discussed, each of these claims have been amended. In this regard, claims 1, 7, 14, 17 and 19 each recite, in part, that the valve or valve arrangement includes a piston member with a stem and that has a mushroom shaped head which is deformable under pressure in a desired flow direction. This is supported in the specification, for example, at paragraph 35.

In contrast, Applicants believe that *Richmond* fails to disclose or arguably suggest at least a number of features of the claimed invention. For example, Applicants believe that the claimed valve or valve arrangement features directed to a piston with a stem and with a mushroom-shaped head are distinguishable from what *Richmond* allegedly discloses. Thus, Applicants believe that one skilled in the art would consider the claimed valve or valve arrangement to be structurally and functionally different from the *Richmond* valve.

Based on at least these reasons, Applicants believe that *Richmond* is deficient with respect to the claimed invention. Therefore, Applicants respectfully submit that *Richmond* fails to anticipate the claimed invention.

In the Office Action, claims 1, 2, 7, 19, and 20 are rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,409,707 (“*Guala*”). The Patent Office essentially asserts that *Guala* discloses each and every feature of the claimed invention as defined by claims 1, 2, 7, 19 and 20. Applicants believe that this rejection should be withdrawn.

At the outset, Applicants believe that *Guala* should be precluded as prior art. In this regard, the earliest effective prior art date of *Guala* is August 8, 2000, namely, its U.S. filing

date. Indeed, the present application can rely on an earliest effective filing date of June 29, 2000 based on the filing of the priority European Patent Application No. 00113777.7. The earliest effective filing date of the present application thus predates the earliest effective prior art date of the *Guala* reference. Therefore, *Guala* should not be considered as prior art with respect to the above-referenced patent application.

Even assuming arguendo that *Guala* can be considered prior art, Applicants believe that *Guala* is deficient with respect to the claimed invention. For example, Applicants believe that the valve as allegedly disclosed in *Guala* is structurally and functionally distinguishable from the claimed valve or valve arrangement features directed, in part, to a piston with a stem and with a mushroom-shaped head. Based on at least these reasons, Applicants believe that *Guala* fails to anticipate the claimed invention.

Accordingly, Applicants respectfully request that the anticipation rejection in view of *Guala* be withdrawn.

In the Office Action, claims 1, 2, 7, 8, and 14-20 are rejected under 35 U.S.C. § 103 as being unpatentable over *Richmond* and further in view of U.S. Patent No. 5,244,463 (“*Cordner*”) and U.S. Patent No. 5,009,654 (“*Minshall*”). The Patent Office primarily relies on *Richmond* and thus relies on the remaining cited references to remedy the deficiencies of same. Applicants believe that, even if combinable, the references are deficient with respect to the claimed invention.

Of the pending claims at issue, claims 1, 7, 14, 17 and 19 are the sole independent claims. In contrast, *Richmond* relates to a valve that is both structurally and functionally different than the claimed valve that includes, in part, a piston with a stem and with a mushroom shaped head deformable under pressure in a desired flow direction as previously discussed. Further, Applicants do not believe that the Patent Office can rely solely on the remaining cited references to remedy the deficiencies of *Richmond*.

In this regard, the Patent Office merely relies on *Minshall* as merely disclosing the use of a rotary peristaltic pump with a check valve and *Cordner* as allegedly disclosing a pump with a check valve when delivering nutrition to a patient. See, Office Action, page 3. Thus, Applicants do not believe that one skilled in the art would be inclined to modify *Richmond* in view of *Minshall* and *Cordner* to arrive at the claimed invention.

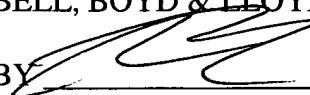
Based on at least these reasons, Applicants believe that the cited art is distinguishable from the claimed invention. Therefore, Applicants believe that the cited art, even if combinable, fails to render obvious the claimed invention.

Accordingly, Applicants respectfully request that the obviousness rejection be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

Dated: January 6, 2004